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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/254,474 | 03/05/1999 | HIDEICHI NITTA | 1422-371P | 7077 |

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EXAMINER

DOUYON, LORNA M

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 02/12/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/254,474 | NITTA ET AL. |
| | Examiner | Art Unit |
| | Lorna M. Douyon | 1751 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 November 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 5-8, 13, 16, 17 and 20-24 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 5-8, 13, 16, 17, 20-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

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1. This action is responsive to the amendment filed on November 26, 2002.
2. The cancellation of claim 9 is acknowledged. Claims 5-8, 13, 16-17, 20-24 are pending.
3. Claims 5-8, 13, 16 and 20 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Barletta et al. (US Patent No. 4,919,847), hereinafter “Barletta” for the reasons set forth in the office action in paper number 16.
4. Claims 5-8, 13, 17, 20-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barletta for the reasons set forth in the office action in paper number 16.
5. Claims 5, 6, 13, 16-17, 20-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tadsen et al. (US Patent No. 5,527,489), hereinafter “Tadsen” for the reasons set forth in the office action in paper number 16.

Response To Applicants' Arguments

6. Applicants' arguments filed on November 26, 2002 have been fully considered but they are not persuasive.

With respect to Barletta, Applicants argue that the teachings of Barletta at column 5, lines 31-35 which states that a typical linear dodecylbenzene sulfonic acid may have from 85 to 95% of

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sulfonic acid, 5 to 9% of sulfuric acid..., teaches away from the present invention, that is, low amount of inorganic acid that preexists in the liquid acid precursor.

The Examiner respectfully disagrees with the above argument because at column 5, lines 25-30, Barletta teaches that "when linear dodecylbenzene sulfonic acid is the detergent acid charged, the concentration of sulfonic acid will be from 80 to 100%, with from 0 to 20% of sulfuric acid.." Hence, the proportions of the sulfuric acid in these teachings overlap with those of the present claims.

With respect to Tadsen, Applicants argue that the teachings of Tadsen at column 10, lines 4-9 which states that the alkylbenzene sulfonic acid material can contain from 85% to about 98% sulfonic acid active, from about 0.5% to about 12% sulfuric acid..., is clearly much greater than the level of "0.09 mol or less per mole of said liquid acid precursor."

The Examiner respectfully disagrees with the above argument because the range 0.5% to about 12% sulfuric acid present in the alkylbenzene sulfonic acid still overlaps with the overall present claims' requirements of the molar ratio of the sulfuric acid per mole of the liquid acid precursor.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

(703) 872-9311 - for Official After Final faxes
(703) 872-9310- for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

February 10, 2003

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
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